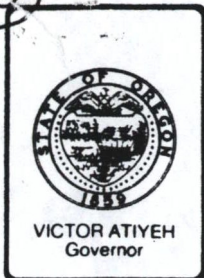


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HW 812



## Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

June 27, 1983

FILE  
Solid Waste Division  
Dept. of Environmental Quality  
**RECEIVED**  
JUN 27 1983

*CC AIGoodman  
EPA-mo  
cc Rule*

Jack F. Johnston  
Van Waters and Rogers  
Division of UNIVAR  
P.O. Box 10287  
Portland, OR 97210

Re: HW-Van Waters and Rogers  
Multnomah County

Dear Mr. Johnston:

On May 19, 1983, the Department met with you and other representatives of Van Waters and Rogers to again discuss the company's hazardous waste management activities. Although definite improvements had been made since our meeting of January 5, 1983, incorrect manifesting of hazardous waste still continued.

The Department became aware of these problems through recent hazardous waste generator inspections when it observed that Van Waters and Rogers was signing off as the apparent end point for a hazardous waste shipment even though they did not have authorization to either treat or dispose of the manifested hazardous waste.

As discussed during our last meeting on this topic, the generator of a hazardous waste is responsible for assuring his hazardous waste is properly managed, including a manifest that is properly completed, and for being able to accurately document where the waste is at a given point in time. This responsibility can not be contracted to another party. In the future, as in the past, the Department will require the generator of hazardous wastes to fulfill their hazardous waste management requirements and be held accountable for them. Van Waters and Rogers' interest in intervening on their client's behalf when manifest inaccuracies occur is praiseworthy, but the Department must seek resolution of a generator's non-compliance solely with the generator.

Oregon Administrative Rule (OAR) 340-63-425 states that a hazardous waste management facility shall not accept shipments of hazardous wastes unless a manifest has been properly completed by the generator. This means that the management facility shall not accept a hazardous waste shipment if the hazardous management facility isn't designated on the manifest for ultimate disposition. If the management facility is acting solely as a collection (storage) site, only that activity may be signed for (if no space is provided, write in collection site or circle "s" for storage). The manifest would then continue to the ultimate treatment/disposal site with the hazardous waste shipment.

In all cases, it is desirable to have but one manifest traveling with a generator's hazardous waste shipment and ultimately returned to the generator to document its arrival at the designated end point. For situations when a

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Jack F. Johnston  
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specific manifest is required, i.e., a "California manifest," that manifest may originate at the initial hazardous waste generation site.

Oregon Administrative Rules allow a licensed collection site to act as the generator only when the original shipments were not required to be manifested from the site of generation (i.e., those shipments that do not exceed 2000 pounds). Even though this exception exists, the Department encourages generators to manifest all hazardous wastes so they have a record of their activity.

The Department recognizes that consolidating a shipment originating from several generators with several manifests can be a burden on the collection site and the transporter. In order to accommodate a situation such as this, the Department, will accept consolidation of the hazardous waste shipments onto one manifest provided there is a clear cross reference on both manifests. In order for the original generator to adequately document his hazardous waste disposition, the consolidated manifest must be returned to the original generator after sign-off by the ultimate treatment/disposal facility. If this consolidation and return manifest documentation is expected to exceed thirty (30) days, the collection site must provide the original generator with a letter within thirty (30) days of receipt of the shipment explaining the reason for the delay.

Lastly, the Department realizes that the degree of contamination of a hazardous waste has a direct bearing on whether treatment is cost effective or even possible. In order to make the determination of ultimate disposition, a collection/treatment site may be relied upon to analyze the hazardous waste and route it to the appropriate treatment/disposal facility. In a situation such as this, the original generator would not know what facility will ultimately treat or dispose of his hazardous wastes until the analysis is performed. In this situation, the Department would recommend listing those alternate facilities that may inevitably treat or dispose of the waste on the original manifest. Only those facilities that actually do something with the hazardous waste would sign off on the manifest and clearly designate the activity they were involved in, (e.g., collection, treatment or disposal). Upon reaching its final end point, the manifest would then be returned to the original generator. As an alternative to use of one manifest where several alternate treatment/disposal sites are possible, the Department has considered and will allow the first collection/treatment site to sign off as an end point and prepare a new manifest for subsequent shipments. If this option is selected, accurate records and cross-referencing must occur so that the generator and Department can easily verify proper handling of all wastes originally shipped.

Sincerely,

Gregory D. Baesler  
Environmental Analyst  
Northwest Region

GDB:b  
RB2232  
cc: Hazardous Waste Operations, DEQ